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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,175	08/01/2001	James E. Kracht	CISCO-3550	7564

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10/12/2005

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EXAMINER
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PATEL, ASHOKKUMAR B

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 10/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/922,175

Applicant(s)

KRACHT, JAMES E.

Examiner

Ashok B. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 6-12, 17, 18, 23, 24 and 30-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 13-16, 19-22 and 25-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-35 are subject to examination. Claim 12 has been cancelled and claims 6-11, 17, 18, 23, 24 and 30-35 have been restricted.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-5, 13-16, 19-22 and 25-29 have been considered but are moot in view of the new ground(s) of rejection.

### **Claim Rejections - 35 USC § 102**

3. The following is a quotation of the appropriate paragraphs of 35U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5, 13-16, 19-22 and 25-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Fee et al. (hereinafter Fee)(US 2003/0069874 A1).

### **Referring to claim 1,**

Fee teaches in a communications system apparatus with an Ethernet backplane (col. 5, lines 60-65) and at least one internal occupant (col. 4, lines 51-61), a method for identifying internal occupants comprising:

verifying that a system switch processor ("SSP") (col. 8, line 33-38, "DCA") has been assigned an IP address (col. 6, line 21-52);

requesting a discovery protocol data package from said SSP (col. 8, lines 47-55);

determining whether said discovery protocol data package corresponds to said at least one internal occupant (col. 7, line 1-5); and if said discovery protocol data package corresponds to said at least one internal occupant, then discovering occupant information corresponding to said at least one internal occupant. (col. 7, line 36-42).

**Referring to claim 2,**

Fee teaches the method of claim 1, including the additional act of determining whether said at least one internal occupant is the last internal occupant in said apparatus. (col. 7, line 13-14, col. 6, line 54-64).

**Referring to claim 3,**

Fee teaches the method of claim 1 further including after said query of determining whether said discovery protocol data package corresponds to said at least one internal occupant, the additional act of determining whether said at least one internal occupant has a valid IP address, if the discovery protocol data package corresponds to said at least one internal occupant. (col. 6, line 21-25, 60-67).

**Referring to claim 4,**

Fee teaches the method of claim 1 including the additional act of populating a data table with said at least one internal occupant's information. (col. 7, line 9-22).

**Referring to claim 5,**

Fee teaches the method of claim 1 wherein the act of discovering occupant information corresponding to said at least one internal occupant further comprises:

determining whether said at least one internal occupant is a multiservice route processor; discovering multiservice route processor information from said at least one

internal occupant if said at least one internal occupant is a multiservice route processor;

determining whether said at least one internal occupant is a system processing engine; discovering system processing engine information from said at least one internal occupant. if said at least one internal occupant is a system processing engine; and indicating an error for said at least one internal occupant if said at least one internal occupant is not a system processing engine. (Fig. 1, element 14, col. 4, line 51-56, col. 5, line 10-23, col. 7, line 1-48).

**Referring to claim 13,**

Claim 13 is a claim to a communications system apparatus that carries out the method of claim 1. Therefore claim 13 is rejected for the reasons set forth for claim 1.

**Referring to claim 14,**

Claim 14 is a claim to a communications system apparatus that carries out the method of claim 2. Therefore claim 14 is rejected for the reasons set forth for claim 2.

**Referring to claim 15,**

Claim 15 is a claim to a communications system apparatus that carries out the method of claim 3. Therefore claim 15 is rejected for the reasons set forth for claim 3.

**Referring to claim 16,**

Claim 16 is a claim to a communications system apparatus that carries out the method of claim 4. Therefore claim 16 is rejected for the reasons set forth for claim 4.

**Referring to claim 19,**

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Claim 19 is a claim to an apparatus for identifying internal occupants of a communication system in accordance with the method of claim 1. Therefore claim 19 is rejected for the reasons set forth for claim 1.

**Referring to claim 20,**

Claim 20 is a claim to an apparatus for identifying internal occupants of a communication system in accordance with the method of claim 2. Therefore claim 20 is rejected for the reasons set forth for claim 2.

**Referring to claim 21,**

Claim 21 is a claim to an apparatus for identifying internal occupants of a communication system in accordance with the method of claim 3. Therefore claim 21 is rejected for the reasons set forth for claim 3.

**Referring to claim 22,**

Claim 22 is a claim to an apparatus for identifying internal occupants of a communication system in accordance with the method of claim 4. Therefore claim 22 is rejected for the reasons set forth for claim 4.

**Referring to claim 25,**

Claim 25 is a claim to a program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to perform the method of claim 1. Therefore claim 25 is rejected for the reasons set forth for claim 1.

**Referring to claim 26,**

Claim 26 is a claim to a program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to perform the method of claim 2. Therefore claim 26 is rejected for the reasons set forth for claim 2.

**Referring to claim 27,**

Claim 27 is a claim to a program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to perform the method of claim 3. Therefore claim 27 is rejected for the reasons set forth for claim 3.

**Referring to claim 28,**

Claim 28 is a claim to a program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to perform the method of claim 4. Therefore claim 28 is rejected for the reasons set forth for claim 4.

**Referring to claim 29,**

Claim 29 is a claim to a program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to perform the method of claim 5. Therefore claim 29 is rejected for the reasons set forth for claim 5.

***Conclusion***

**Examiner's note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the

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claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-3972. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abp  
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 JOHN FOLLANSBEE  
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